

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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| |) | CONSOLIDATED CASE |
| |) | NO. 4:03CV3195 |
| IN RE: DERAILMENT CASES |) | |
| |) | 4:02CV3068 |
| |) | 7:02CV3131 |
| |) | 4:02CV3200 |
| |) | 4:02CV3332 |
| |) | 4:02CV3334 |
| |) | 4:02CV3335 |
| |) | 4:02CV3336 |
| |) | 4:02CV3337 |
| |) | 4:02CV3338 |
| |) | 4:02CV3339 |
| |) | 4:02CV3340 |
| |) | 4:02CV3341 |
| |) | 4:02CV3342 |
| |) | 4:02CV3343 |
| |) | 4:02CV3344 |
| |) | 4:03CV3043 |
| |) | 4:03CV3050 |
| |) | |
| |) | MEMORANDUM AND ORDER |

By August 31, 2005 order (filing 963), the parties were directed to advise the Court, by brief, as to how it should proceed in light of the mandate of the Court of Appeals regarding the appeal of the award of costs to the Burlington Northern and Santa Fe Railroad (“BNSF”) and Montana Rail Link (“MRL”). (Filing 961.) Some of the plaintiffs (the “Moving Plaintiffs”) and the defendants have moved for an extension of the briefing time. (Filing 968.) The plaintiffs in case nos. 7:02CV3131, 4:02CV3200, 4:02CV3337, 4:02CV3338, and 4:02CV3340 (the “Nonmoving Plaintiffs”) did not join in the motion for extension.

Upon the motion of the Moving Plaintiffs and the defendants, and upon the court's own motion with regard to the Nonmoving Plaintiffs, I find that all parties shall be granted a thirty day extension for filing briefs in compliance with the Court's August 31, 2005 order.

IT IS ORDERED:

1. The motion in filing 968 is granted.
2. All parties, including the Nonmoving Plaintiffs, are allowed a thirty day extension, to October 31, 2005, in which to file briefs in accordance with the Court's August 31, 2005 order.
3. As issues remain in case no. 4:02CV3068, and the parties have consented to the exercise of jurisdiction by Magistrate Judge Piester to resolve those remaining substantive issues, the Clerk of the Court shall file this order in the separate file maintained for case no. 4:02CV3068 as well as the file maintained for the consolidated case, and shall provide a copy of this order to Judge Piester.

September 30, 2005.

BY THE COURT:

s/Richard G. Kopf
United States District Judge